

United States of America,

v.

Frederick Banks,
Defendant.

UNITED STATES DISTRICT COURT
for the Western District of Pennsylvania

AND NOW, THIS 15th DAY OF

April, IT IS HEREBY Criminal Action No 96-CR 64
ORDERED THAT THE WITHIN
MOTION IS DENIED.

Gary L. Lancaster
GARY L. LANCASTER,
UNITED STATES DISTRICT JUDGE
Petition for Expungement

[Evidentiary Hearing Requested]

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AND NOW comes petitioner, Frederick Banks ("Banks") prose, and moves this Court to
enter an order compelling the expungement and sealing of all official, public, judicial, and executive
records pertaining to the arrest and prosecution of the defendant in the above-styled case. The
following grounds are asserted in support of the instant motion:

1. Petitioner Frederick Banks is 43 years old and was born on September 10, 1967.
2. Petitioner was arrested by US Postal Inspectors for mail fraud that were the
subject matter of the above-styled prosecution. Said case is designated by Case Number
96-64.
3. The above styled case has concluded.
4. Petitioner had never previously been convicted of a criminal offense or municipal violation
at the time he was arrested for the instant offense.
5. The arrest and resulting conviction were both unlawful and unconstitutionally obtained.
6. The arrest and conviction violated the Fifth and Sixth Amendments because upon examining
records obtained via Freedom of Information / Privacy Act the government withheld records that
were withheld from petitioner prior to his guilty plea, namely, statements by Sara Stewart, the actual
President of Search Syndicate, and "Tammy" and other persons. Petitioner recently obtained these records
pursuant to a Law Suit he filed against the US Postal Inspection Service. See *Banks v. DOJ*, 700
F. Supp. 2d 9 (DC Col 2010). If petitioner would have had those statements he could have called them
witnesses at a trial or suppression hearing and impeached them and as a result the outcome would have
been different, the evidence would have been suppressed and/or he would have been acquitted at trial.
There was no constitutional basis for a conviction and no probable cause for an arrest. Withholding the
material violated petitioner's Fifth and Sixth Amendments rights and the provision of Brady and Jencks.